



City of Carmel

CARMEL PLAN COMMISSION

March 20, 2007

Minutes

The regularly scheduled meeting of the Carmel Plan Commission convened at 6:00 PM March 20, 2007 in the Council Chambers, City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members present: Leo Dierckman, Wayne Haney, Kevin Heber, Brian Mayo, Rick Ripma, Carol Schleif, Sally Shapiro, Steve Stromquist, Madeleine Torres, Susan Westermeier, thereby establishing a quorum.

DOCS Staff in attendance: Mike Hollibaugh, Director, Matt Griffin, Christine Barton-Holmes, and Adrienne Keeling, Planning Administrators. John Molitor, Legal Counsel was also in attendance.

The Minutes of the February 20, 2007 meeting were approved as submitted.

Legal Counsel Report, John Molitor: Some research was done on the Notice Requirements, but nothing has been found to support the streamline notice as provided by the Postal Service. In addition, the State Legislature is looking seriously at making some changes to the Open Door Law—if this is done, we may need to change the Rules of Procedure in order to conform to whatever the Legislature passes in the next month. The suggestion for now is to delay any Executive Committee meeting on this point until perhaps May.

Announcements, Matt Griffin: Up-date on the drainage situation on the Duke property next to the residences on the west side brought up at the last Commission meeting—the Hamilton County Surveyor's office is in direct conversation with the homeowners and they are working through the process. In terms of improving the situation, it is officially underway.

H. Public Hearings

1H. Docket No. 06100023 Z: 2555 W 131st Street (Trillium)

The applicant seeks a change in zoning from S1 to S2.

The site is located at 2555 W 131st Street and is zoned S1.

Represented by Baker and Daniels LLP for Adams and Marshall.

Steve Hardin, attorney, Baker & Daniels, LLP, 600 East 96th Street appeared before the Commission representing the applicant. Also present was Pete Adams, Adams & Marshall Homes.

Clarification: The request has been amended from S-1 to S-2 zoning.

The subject site consists of 32 acres and is located between 131st and 126th Street. There have been significant changes to the proposal since the initial submission and Pete Adams will be going over those changes and discussions. The developer is committed to ensuring a quality development for this unique site.

Pete Adams, President of Adams & Marshall Homes, 93rd & Meridian Street, Indianapolis then addressed the Commission. Adams & Marshall have now met with the neighbors to discuss the proposal and address their concerns. Numerous conversations have been held with Marilyn Anderson, the neighborhood association present; Mr. Adams has also met with the neighbors the most affected by this proposal.

Pete Adams gave a brief history of Adams & Marshall Homes. Currently, Adams & Marshall is in 12 developments—all for active adults and empty nesters—all maintained developments from Kokomo to Greenwood, including Indianapolis, Plainfield area, Westfield, Noblesville, and Greenwood.

The northern section of the proposed site is a little over 10 acres and is beside the undeveloped piece—near the Herbison, Young, Anderson and Smith homes. The Herbison property would be the most directly affected. There are a lot of mature trees in the northern portion of the site and this will be a park. The northern section of the site will contain 14 lots and computes to 1.3 units per acre. Approximately 60% of the northern portion is parks, lakes, and mature trees. The section to the south is more dense and contains more homes. Mr. Adams said he had met with the Herbisons several times and Mark and Becky Herbison submitted a list of items that were important to them—Adams & Marshall gave written commitments to the Heribsons to address their concerns.

Originally, the entrance to the site from 126th Street was aligned with the home across the street (owned by the Vanderfleet-Muhlenbeins.) The entrance has now been re-located. Adams & Marshall have petitioned for a rezone of the property from R-2 zoning to S-2 zoning. There was no east/west connectivity to the WestClay site and that has now been added. There is a tree preservation plan with buffering and perimeter landscaping. A specific buffering plan has been discussed with the Herbisons regarding the seven lots that face their property. The petitioner will walk the property with the Herbisons and install the landscaping requested. There are now 60, 70-foot lots to be more in tune with the community. The petitioner has also committed to brick wrap and hardi-plank. The only place that would not have brick wrap is if it were a house that did not require it such as a Colonial style—there will be no vinyl. Also, the homes will average 2,000 square feet on a 70-foot lot—less development percentage-wise than a larger house on a bigger lot. The homes will also be one story or one and one-half story—a dormer—for little impact on the neighborhood. The homes are designed for empty-nesters, although the homes would sell to anyone. Currently 94% of the homes Adams & Marshall has built do not have children. The proposed project will have less impact on the services of the community, since the cost to educate a child in Carmel is approximately \$8,000.

Steve Hardin spoke to the quality and character of the proposed development as compared with the existing homes. IN addition to the architectural standards that the City has provided, the petitioner

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has included commitments that the site will be developed substantially in compliance with the site plan and that the homes will be similar in quality and character to the homes that are included in the informational packets. Adams & Marshall is willing to commit to full brick wrap on the first floor; this is also covered in the written commitments with the exception of Colonial or craftsman home where less brick would be appropriate. In the language and architectural requirements, there were different references to certain items as deemed appropriate and there were questions as to who made that decision—that would be the Department Staff.

General Public Comments/Favorable:

None

Remonstrance/Organized/Unfavorable:

Marilyn Anderson, 3884 Shelborne Court, Carmel. While the proposal is an improvement over last month, the density is still an issue—in the immediate area it is 1.35. The current proposal was agreed between the neighbors and the developer at 1.75 density—a 75% increase over the current zoning—and agreed only if the other issues were addressed. The density at 1.75 was a reach, but we are now hearing 1.85 density. Why are the residents again being asked to sacrifice rather than the developers? The transitioning from the Village of WestClay to actual zoning requirements was hugely important—it needs to stop with this property. This development needs platted in such a way that Trillium is not used to justify increasing density over zoning on the next property. Given that developers typically want to match lot widths on their borders, the Trillium lot widths of only 70 feet on the boundary is a concern. If you are not convinced that this project will not impact the zoning on the Herbison property, we are asking you to require the needed changes or reject it. Stop the transitioning with this property—meet the expectations people bought when they invested in their homes in the area; do not approve changes in zoning that force further changes. Stop the transitioning here. Please address the issues. Marilyn Anderson was unclear as to the appropriate review by the Staff—the concern is whether it occurs when the project is approved rather than later, after approval, and changes are requested to architectural commitments so that drastic changes do not happen at a later point in time.

Mary Ellen Bormat, president of Laural Lakes HOA, stated the biggest input from neighbors was the density—unanimously supported at under 1.3 units per acre. The neighbors are concerned about traffic with the presence of Carmel Dad's Club, the Village of WestClay and the roundabouts instead of higher traffic handling measures, especially with future commercial. There is also concern about future development and quality of the homes being constructed. At one time, the surrounding neighborhoods were all custom homes, but we are now seeing lower quality construction used. The all brick commitment would like to be seen—no vinyl. Laural Lakes are one-half acre lots backing out to huge community space; low density is preferred. The neighbors want to see more common area/ preservation space, and less townhome/high density housing. There is nothing seen that shows the developer is addressing the traffic issue—another big concern. 126th Street has 3 schools within one-quarter mile from this property, the Carmel Dad's fields, the Village of WestClay, and the additional traffic is a major concern. Right now, it is a two-lane road with no shoulders and a stop sign at 126th Street—a planned round-about—but this is a high traffic area. The concern is that the proposal is 1.85 density and the area does not have this type of density. The concern is also with the architectural design and materials.

Remonstrance/General/Unfavorable

Dan Uhlenbein and wife, Karen Vanderfleet Uhlenbein, 2995 West 126th Street. Karen Uhlenbein owns the 39-acre tract of land on the south side of 126th Street, directly opposite the proposed development. Mr. & Mrs. Uhlenbein initially objected to the location of the proposed north/south street which, as stated tonight, has been re-located. However, the re-location resulted in the deletion of the park area to the south end of the property directly across from their home and two lots have been added in that location. The Uhlenbeins would like to see the park/buffer area restored; they are extremely disappointed in the proposed houses. The Village of WestClay is on both sides of the proposed development and the homes proposed by Adams and Marshall do not make any effort to relate architecturally to the Village of WestClay development or the surrounding area. The proposed homes are basically a series of cookie-cutter, ranch-style homes with about one-half of the square footage of the homes in the Village of WestClay and Laural Lakes developments. The principal feature of the houses seems to be the garage that faces the street and again, is in direct conflict with the concept of the traditional neighborhood that will surround it—the Village of WestClay. Many of the garages in the Village have alley access or at least they are de-emphasized in the street elevation. The homes in Laural Lakes and the Village of WestClay are all custom homes, as earlier stated, with period styles, extensive exterior detailing, and a wide range of colors and building materials. A development of all ranch homes with a choice of a few colors of brick and a gable changed her and there does not really fit in with the fabric of the area. We believe that if this development is approved, it would actually be an insult to the other developers that have created much higher quality developments in the area. In addition, it is believed that approval of this development will devalue their land directly across the street.

John Smith, 2885 West 131st Street, two lots to the west of the proposed development. Mr. Smith was not remonstrating against this particular development but was in attendance to ask the Commission to clarify for all the residents the issue of density. There seems to be several formulas that people are using to get whatever numbers they wish. Mr. Smith stated that he lives next door to Hayden Run and the Lakes at Hayden Run—that density is far greater than what is heard here this evening. There should be some clarification from the zoning Commission of what the dense figures are and have them uniform so that everyone is on the same page and uses the same formula to calculate density.

Public hearing Closed

Rebuttal, Steve Hardin: Adams & Marshall plan to continue working with the neighbors—Marilyn Anderson and her group, the Uhlenbeins and the Laural Lakes neighbors. The petitioner intends to bring forth a quality development and ensure that for both the neighbors and the City.

Department Response, Matt Griffin: The calculation of density has been the simple equation of total number of acres divided by the number of homes—however, this is taken with a grain of salt because projects have different amounts of infrastructure or future right-of-way, then when you start talking about what is not developed on and what is, it is a little fuzzier. In all projects that the City looks at, the total amount of acreage—the undeveloped site—is divided by the number of homes. This project is a Rezone only and would be seen again as a primary plat that will be required to adhere to the City's open space standards and tree preservation and buffer yard standards. The Department is recommending that this item be forwarded to the Subdivision Committee for review

on March 29, 2007.

Commission Comments:

Rick Ripma: In looking at rezones, the Commission needs to be provided some reason to look favorably on a rezone. In the presentation thus far, nothing has been heard to indicate that there is any reason to rezone the property from its current zoning. The petitioner should show us the reasoning for a change in the zone, some reason that they cannot build homes on this site at one home per acre which is what it is zoned. Carmel is running out of land—we zoned this one unit per acre because that is what was wanted—one home per acre. For me to see this move forward, I would want to see this at one home per acre. I don't see any reason why, and the petitioner has not given anything to see why there should be a change in the zoning. The last developer that came in, the City-Council spoke very clearly on this piece of ground—they don't want this type of density in this area. Unless the petitioner can show reasons to rezone, I don't see moving forward with a rezone.

Brian Mayo agreed with comments made by Rick Ripma regarding the City Council's viewpoint and developments in the past. As far as the rezone is concerned, Brian agreed that the current zoning is what the Council is looking for in that area and to deviate from that for no specific reason, especially architecturally—the proposed houses do not really fit with what is intended for the area. Brian said he could not speak for the entire Council, but thought he had their feeling on this topic and was pretty sure they would not lean towards this at this time.

Carol Schleif: Usual concerns—front loading garage is a problem because of the lot width—wider lots would correct. Elevation—the level of detail in the materials do not extend on all four sides for the buildings. Should this come to Subdivision Committee, I would be asking for elevations on all windows and requesting dimension floor plans. If you really want front loading garages, I can help you figure out how to get around that. I would be wanting to see 8 or 10 floor plans that maybe I could help you out. The tree inventory is a big concern to me—on your aerial, there are lots of trees there—that troubles me somewhat. There is, in Section 26 an issue of –well, never mind, I guess that doesn't apply here. I have a concern about the density and I agree, I have not heard the reason why we should leave the S-1 format.

Rick Ripma—additional comments: “I would like an answer, Steve, if you could give us one. Are you willing to go to one home per acre?”

Steve Hardin responded ‘NO, the request is for S-2. We do have reasons for the request if you would like us to respond or just answer direct questions now.’

Rick Ripma further commented that one of the things at a Training Session was to have the school come in and they explained to us, contrary to my thoughts, that the School is actually worried about not having enough kids as they go through the school system—they actually want communities with kids, they don't want communities without kids. That may come as a surprise to everyone, it came as a shock to me, but that is what they want. Homes that sit there without children—the school gets no funding from, so they actually prefer, and they are very worried that as this group of kids goes through, we are going to end up with not enough kids in our elementary schools. They are now funneling through there, they will end up in our middle school, then end up in the high school, and

they are very worried about that. Obviously with the higher density, the traffic gets much worse and that is an issue that needs to be addressed. I live out in this area so it is an area that has some serious traffic problems. Again, I don't hear anything that would make me see this as a good rezone.

Leo Dierckman asked Steve Hardin to present the reasons for a rezone.

Steve Hardin said the petitioner was respectful of the neighbors and the comments made about not utilizing the property zoning adjacent to the different properties as a basis for rezone. Obviously, when you look at this site, you have to ask yourself, from a planning perspective, under the Statute there is 5 criteria that a Plan Commission and City Council would look at. One is good planning and development for the community. This is an unusual site—there are townhomes and higher density development close by, there is commercial development proposed in the area, as well as a site that is approved and zoned for 70-foot wide lots. When we looked at the development of this site, we tried to think of how it would best fit into the mix of where it is currently zoned. From a school tax standpoint, there is funding provided and it is likely to generate few if any school age kids, but the property taxes go straight to the school. It will still generate property taxes; school funding is a different issue than the property taxes that are still paid to the schools.

From a traffic standpoint, the empty-nester market drives at different times and has a different traffic pattern. The empty-nesters are not up at 7:30 when everyone else is driving to and from work. There are a lot of aspects, both from a community standpoint, less demand on the utilities, on the streets, and from a school standpoint, while the school may still want to have kids in the school system in years to come, there is plenty of that type of housing. From a market demand standpoint, several of the market gurus have looked at it and said that there is clearly a demand in the market place, not just for empty-nester, but single-family detached, empty-nester, active adult—there are not that many being developed in the community. From a market standpoint, this is something the community would like to see as well.

Leo Dierckman said that the first and foremost question is whether or not the Commission wants to move forward with the rezone. We don't need to worry about what the buildings will look like if we don't agree with the arguments for the rezone.

Madeleine Torres commented that this parcel has been seen before and there were at least 5 special meetings and a lot of time spent; it then went to Council and the rezone was not approved. Instead of be-laboring here, would there be a way to send it on—we have already heard Council's opinion on it. There is no reason to kill ourselves over something that is not going to go through—not sure on the process of that.

Leo Dierckman said that would mean the Commission would take a vote on it tonight relative to the rezone issue—the City can always reverse that decision anyway. The problem is that if you are going to vote against it, in the potential event the Council would vote for it, we would not have done our work to the degree that in the event Council did vote for it, the base line, fundamental, underlying documentation of the project and quality control issues, etc were not worked through at this level. They may not pay attention to the same level of detail that we would. That is the argument for sending it to Committee and letting the work be done, although it could very well be a

waste of time. The down side is that if you don't do the work and it goes to the City Council and they approve it as forwarded, even with a negative recommendation, if they elected to do so, we may end up with a project that we wish we had spent a little more time on.

Madeleine Torres asked if this would come back before the Commission for ADLS review.

Matt Griffin said the project would come back for a primary plat only. If they brought a plat that met the standards of S-2, your hands are a little tied in terms of getting commitments, etc.

Sue Westermeier commented that if the petitioner is not interested in going with S-1, and there is a strong commitment from the Council, there is no point in putting everyone through the Committee process just to have it turned down at Council. We have been down that road too many times.

Carol Schleif asked the petitioner if he would entertain wider lots.

Steve Hardin responded that they would be willing to talk about that and thought they would have that opportunity at the Committee level. There is a difference between the project proposed before at a higher density with commercial—we are not sure how the Council might view this—we do think it is a worthy project. We do not want to waste time and would not have proposed it if we did not think it merited consideration. The petitioner would look forward to working through those details.

Carol Schleif noted that the petitioner has requested S-2 and they do not meet those standards at 100-foot wide lots. The proposal begs the question: "What do you really want, S-2 or...?"

Steve Hardin responded that it was a good question. The answer is that with the City Ordinances and a minimum of 20% open space, those standards do not apply. The petitioner has shown close to 30% open space on the site plan—more than the minimum requirement. If you meet the 20% open space, there would be no standards for the lot widths, and that commitment has been added to require a minimum of 70-foot wide lots, otherwise there would be no such commitment.

Carol Schleif: But you are asking us a favor here, and I think the 100-foot lots are reasonable.

Leo Dierckman asked for Staff clarification—is that the way it works if a petitioner meets certain open space requirements?

Matt Griffin clarified that that is the way it works. Chapter 7 of the Subdivision Control Ordinance basically states that if you meet the open space standards, the only lot width you must adhere to is a 50-foot minimum lot. That tool is basically set so that there is incentive for a developer to give us more open space and that would allow them to cluster their lots a little more and have more flexibility with their designs. The petitioner is correct.

Brian Mayo commented that it is an incentive to have more green space, not to narrow the lots—it is a two-way street, not a one-way street.

Leo Dierckman noted that the Ordinance does provide the flexibility, and you can expect people to

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figure out every which way to maximize.

Rick Ripma stated total confidence in Council to do due diligence if this is moved on—the Council is the elected, legislative body that will have to deal with elections, etc. The people have spoken and the area does not want 1.82 homes per acre—not even close. Rick Ripma said he had perfect confidence in City Council.

John Molitor, Legal Counsel pointed out that if the Commission is inclined to take a vote on this Docket this evening, it would require a suspension of the Rules of Procedure because the Rules do require, as a matter of course, that an item of this type be sent to Committee for further review for at least one session. It would require a two-thirds vote if the Commission were to vote this evening to send it directly to Council.

Brian Mayo made formal motion to **suspend the Rules of Procedure** to vote on **Docket No. 06100023 Z, 2555 West 131st Street (Trillium)** seconded by Carol Schleif, Approved 9-0.

Rick Ripma made formal motion to **forward Docket No. 06100023 Z, Trillium, to the City Council** with a **negative recommendation**, seconded by Susan Westermeier, **Approved 9-0**.

***Note:** Steve Stromquist left the meeting during discussion and did not vote on this item.

2H. Docket No. 07020012 Z: 1328-1440 W. Main Street Rezone

The applicant seeks to create to rezone property from OM/SU and S2 within the US 31 Overlay to B6 within the US 31 Overlay.

The site is located at the NE corner of US 31 (Meridian) and W. Main Street and is zoned Old Meridian Special Use (OMSU), S2, and is within the US 31 Overlay. Filed by Eugene Valanzano of Baker and Daniels for Browning Real Estate Partners and the City of Carmel.

Gene Valanzano, Land Use Consultant, Baker & Daniels appeared before the Commission representing Browning Real Estate Partners. Also present: Jamie Browning, Browning Real Estate.

The petitioner is requesting a rezone for two properties that comprise a total of 21 acres located at the northeast corner of 131st Street and US 31. The parcel identified as parcel number one is 17 acres and under the ownership of St. Christopher's Episcopal Church at this time. The parcel identified as parcel number two represents about 3.9 acres, owned by the City of Carmel. The petitioner is negotiating with both property owners and should the zoning go through, the petitioner is hopeful of acquiring the properties and developing the site.

The site is currently zoned S-2 classification and a small portion of the site is also zoned for the OM/SU—the north portion of the Church parcel. The petitioner is requesting rezoning of the overall parcel to the B-6 classification. The reason for the rezone: US 31 Overlay does not allow the development of single-family homes, and that is the primary purpose of the S-2 zoning. On one hand, the primary zoning says “Single Family;” on the other hand, the Overlay Zone says you can't do single family. The petitioner is requesting a rezone to B-6 to be able to continue the high quality development that exists along the US 31/north Meridian corridor.

The petitioner realizes that ADLS and Development Plan approval will be required. There will probably be two major entrances: one aligning with Pennsylvania Avenue, one aligning with the “to be developed” Grand Boulevard coming into the site. The anticipated use would be a hotel, office, or retail development.

Public Remonstrance/Favorable

Dan Nelson, 10191 Broadway, Indianapolis, Senior Warden at St. Christopher’s Church, a parish of 350 families. St. Christopher’s has built two of three phases for its Church and is the immediate neighbor to the east of the subject property. The Church feels the rezone is in the best interest of St. Christopher’s—the church intends to stay in the area for some time with the millions of dollars in investment of phase one and two and now the proposed phase three of the Church. The Church feels that the rezone is appropriate and will be the highest and best use of the land. The Church believes that Browning Real Estate would have an appropriate plan for the land use surrounding the Church. Mr. Nelson was certain that with the rezone, the subsequent development would be good neighbors for St. Christopher’s.

Public Hearing Closed.

Department Comments, Matt Griffin: Both the 31 Overlay and the Comprehensive Plan encourage the redevelopment of properties along this corridor into office or higher and best use for the area. The Department is in complete support of the rezone and has no comments for the conceptual plan that will be seen again.

Leo Dierckman had questions about the property—thought it was reserved at one point for a roadway ramp of some sort, but that a ramp may not happen with a round-about—what is the status?

Matt Griffin responded that the current plan is for a round-about at this location, but all the details may not be worked out with INDOT at this time. If easements are needed for on/off ramps, we will get that in writing from Engineering before this completes the process.

General Questions, Frank Reagan: 12223 Castle Court, Carmel, stated that he owns the property on the opposite side of Meridian from the Church. As Mr. Reagan understands it, the City is planning to install a round about on the opposite side, on Illinois Street, and there will be a ramp and bridge going across Meridian Street that will tie into Pennsylvania. The proposed plan does not show that. Has there been a change made?

Matt Griffin responded that the Department of Engineering has other concepts for this intersection, although they may not have been approved as yet. Engineering is looking at several different angles to see what will work best in the future. Matt Griffin said he would investigate and report.

Docket No. 07020012 Z, 1328-1440 West Main Street Rezone was referred to the Special Studies Committee for further review on Thursday, March 29, 2007 at 6:00 PM in the Caucus Rooms of City Hall.

3H. Docket No. 07020014 Z: Westmont PUD.

The applicant seeks to create to rezone property from S1 Residential to PUD for the purpose of creating a single family detached residential subdivision.

The site is located at 2000 West 136th Street and is zoned S1.

Filed by Charlie Frankenberger of Nelson and Frankenberger for Platinum Properties LLC and Pittman Partners Inc.

Charlie Frankenberger, attorney, Nelson & Frankenberger appeared before the Commission representing the applicant. Also present: Steve Pittman, Nick Churchill, Neal Smith, Ken Brasseur, and Steve Broerman, representing Pittman Partners.

A change in zoning is being requested to allow an up-scale, low-density, residential community to be known as Westmont, located on 135 acres in western Clay Township. An aerial photograph was shown of the real estate with the plat super-imposed. The property is east of Towne Road, north of 136st Street and south of 141st Street.

Nearby subdivisions include Sadlecreek to the north and east, the Villages of WestClay to the south, and Westwood Estates to the west. Although not required, a neighborhood meeting was held to respond to inquiries and questions from surrounding neighbors. The request is fully detailed in the information packets that were submitted to the Commission.

Various components of the real estate include open space, lots, and internal streets. As required by the PUD Ordinance, the maximum number of homes will not exceed 170—resulting in a low density of 1.25 units per acre. The character illustrations of homes on 80-foot, 100-foot and 120-foot lots are also among the exhibits in the information materials. There are written, architectural standards in the PUD Ordinance that are modeled after the detailed standards applicable to the largest lots in the recently Legacy PUD and architectural standards are based on The Legacy standards. As required by the terms of the PUD, open space will be a minimum of 43 acres or approximately 31.5%.

At this time, the petitioner is requesting review by the appropriate committee.

Public Remonstrance/Favorable:

Jack Bartz, 2087 Renegade Court, Westwood Estates. Generally speaking, in favor of the proposal and is particularly interested in the Crook property. Concern with pedestrian traffic entering Westwood from Section 4 of Westmont (perhaps unsupervised children.) Must Azteca Lane continue into Section 4—can this road continue to be blocked? It is stubbed. Also concerned with liability issue concerning lakes and the golf putting green and target green as far as potential damage. Westwood will be taking over the Homeowner's Association probably next year. Westwood has one entrance on 141st Street and Westmont would have one entrance (136th Street.)

Richard Voge, 2095 Renegade Court, Westwood Estates, would like a commitment regarding the use of brick, no vinyl, that house standards would stay the same as the neighboring community, and the density level would stay the same—no increase other than what has been proposed this evening.

David Martin, 2109 Renegade Court, Carmel, expressed concern regarding appropriate buffering between developments and tree preservation—reasons why they purchased in this area. There is a shortage of woodland areas and a section of the Subdivision Control Ordinance against development of woodlands. However, best-laid plans may not be followed or enforced. Mr. Martin and his neighbors would like to support this effort, but would like more specific information and assurances that any plan would contemplate and respect the protection and development of woodland areas and be appropriately enforced by the public representatives.

Don Rollins, 5250 US 421, Zionsville, currently constructing a residence at 2151 Renegade Court, said he is inclined to be in support of the development but would like a lot more information. Concerns are what the area will look like in the interim period before construction reaches completion. The eastern part of the development may be constructed first—what will happen to the property in the interim period. Secondly, what kinds of things will be developed immediately on the rear boundary of his property, pools, common areas? Would like more information from the developer.

Tony Papay, 2030 West 136th Street. Mr. Papay stated that he has worked with Steve Pittman and some changes have been made to accommodate him and his wife, Alice. There are some details regarding the fence-line, drainage, trees, and sewer connection that still need to be worked through. Overall, it has been a good experience working with Steve Pittman.

Sherry Potter, Saddle Creek, would like to see a good traffic flow from one neighborhood to another because it will all be one big neighborhood like the Village of WestClay sooner or later. Also, was curious as to exactly what “upscale” is. Ms. Potter liked the commitment of one lot per acre and would like to see that in place. Ms. Potter would support S-1 or a commitment of one lot per acre.

Public Remonstrance/Unfavorable:

Ted Geloff and wife Angela, residents 1971 Foxfire Circle, Cheswick, and property owners of 2290 West 136th Street, 8.5 acres directly south of the proposed development. Mr. Geloff said he did not receive notice of the hearing and only saw the sign posted on the property. Mr. & Mrs. Geloff have not had an opportunity to review any plans and do not have any understanding of the proposed development or understand why the property should be rezoned and what the impact would be on the value of his home that is under construction. The Geloffs would like to see more of the plans, the landscaping along 136th Street, the entrance-ingress/egress, and would like to specifically know the traffic impact.

Public Hearing Closed.

Rebuttal, Charlie Frankenberger: Regarding the stub connection to Westwood Estates, the petitioner will do whatever is required—if that is connecting, then they will do that, if not required, they will not connect. Regarding comments concerning the woods and tree preservation, there are significantly more wooded areas in this real estate than in the Westwood Estates. The proposal is to rezone to a Planned Unit Development District. Consequently the tree preservation provisions of the Residential Open Space Ordinance are not applicable to this project. However, it is helpful to observe a couple of things. First, Jud Scott of Vine & Branch has done a woodland analysis of this

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site and has characterized the woods as young woodlands. Secondly, the petitioner is preserving approximately 85% of the young woodlands and even though the petitioner is not required under the PUD to comply with the preservation requirements of the Residential Open Space Ordinance, the petitioner exceeds those requirements under the tree preservation plan. It is helpful to recognize that while the petitioner is proposing is a Subdivision that is lower in density and higher in price point than the surrounding development.

Regarding “up-scale,” based on estimates, the residences to be built on the 80-foot lots will have an average sales price of \$625, to \$675,000. The homes to be built on 100-foot lots will have an average sales price in the \$800 thousands; the 120-foot lots are expected to be in the price range from \$800,000 to \$1.5 million. The petitioner believes it is fair to characterize this as low density, up-scale subdivision with substantial open space and significant tree preservation.

Department Comments, Matt Griffin: It has always been City policy to connect stub streets for a multitude of reasons, including providing emergency vehicular access and also to allow the local streets to function as intended and keep non-essential trips off the main traffic carrying roads such as 141st Street. The Department is recommending that this item be referred to the Subdivision Committee on March 29, 2007 at 6:00 PM in the Caucus Rooms of City Hall.

Commission Comments:

Leo Dierckman: This is a PUD versus a Rezone and similar in process. If this is voted down this evening because of the one unit per acre, forwarded on to Council, and then approved at the Council level, it would be another matter. We need to make sure that all of the i’s are dotted and t’s crossed.

Rick Ripma agreed with Leo’s comments and stated that this project at 1.25 is a lot closer than the last project at 1.85—we are starting at a closer level than before. However, we still need to make sure that we are getting what we want. Again, we are running out of land in Carmel. Rick said he still would like to see this less dense and would also like to hear reasons why the petitioner couldn’t do 1.0 units per acre—if not now, then at Committee.

Madeleine Torres said she was pretty confident that Charlie Frankenberger’s group would be in contact with the one gentleman who said he did not have any information.

Sue Westermeier asked that the Subdivision Committee spend some time on the tree preservation—this is a lot of homes going in, another development in a huge area of development. Sue was hoping this project would come in as something a little unique, a little different, something other than massive, up-scale houses. Part of this property was a beautiful horse farm and there is a lot more that could be done to this than just putting in as many houses as possible and meeting the zoning. There should be something done a little different on this property, and that has not been presented this evening.

Kevin Heber noted that to the east is Saddlecreek and they did something unique with their open space and connectivity with asphalt paths. Something similar might be appropriate for this project as well. Kudos to the developer for preserving 85% of the trees.

Carol Schleif: “The overall layout of the site plan could have a little more creativity possibly—I hate to see a lot of homes—20 in a row—it tends to look how we would not like it to look and detracts from being special. Regarding the density, even though the 1.25 is appreciated, I would love to see what would happen if the 80-foot lots were 100-foot lots. It might come down to changing the street design—it may start opening opportunities for different shaped lots that would add more variety and diversity within a lot size category that could make it more interesting. I would love to see a full size site plan with dimensions—I am not seeing which lots are 100 feet and which are 120 feet. I also can’t tell where the amenities are—I know there is some “wiggle-room” on choices, but some of that may depend on what choices are made. Even a generic sort of location would be helpful. And the lakes....they are rather square, and if there is any way to make them look a little more natural, that might come along with the road design, that would be easy to do. I think the triangular lake got me. I noticed on the 80-foot wide lots, there are front-loaded garage options and I can see—you have a lot of lots here—8 or 10 floor plans—I can help you get through how to get a side loader or a carriage loading garage model—I’m sure you guys can do that, but I would offer that.”

Wayne Haney asked about the connectivity of the street pattern near lots 96 and 107th —is there anything in the future—plans to acquire the land to the west or do you plan to eliminate a couple of lots and connect the street?

Charlie Frankenberger said a more thorough response to the comments and questions will be taken up at the Committee level on March 29, 2007.

Docket No. 07020014 Z, Westmont PUD was referred to Subdivision Committee for further review on Thursday, March 29, 2007 at 6:00 PM.

I. Old Business

1I. Docket Nos. 06110012 PUD/06110013 ADLS: Cobblestone Commons

The applicant seeks to create 24 detached single-family residences on 2.59 acres. The site is located at 740-760 and 780 1st Avenue NW, and 121, 131, and 135 8th Street NW, and is zoned R2 Residential, pending approval to the PUD classification. Filed by Jim Shinaver of Nelson & Frankenberger, for Uptown Partners, LLC

Jim Shinaver, attorney, Nelson & Frankenberger appeared before the Commission representing the applicant. Also present: Justin Moffitt and John Hepton, Uptown Partners; Tom Traeger, Highline Construction; and Jim Shields of Weihe Engineers.

The subject site consists of 1.6 acres and was shown on an aerial photograph in the information materials. The site is located south of and adjacent to 136th Street, east of and adjacent to the Monon Trail, and west of and adjacent to First Avenue NW. The site is surrounded by single-family detached homes to the south and east and the Village Green and Traditions on the Monon townhome communities to the west and north. The petitioner has already appeared before the full Plan Commission and sub-Committee.

Jim Shinaver summarized the project—additional comments by Justin Moffett. Uptown is seeking
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a change in zoning to a PUD to permit the development of a residential community to be known as Cobblestone Commons. The homes to be constructed within Cobblestone Commons would be semi-custom, single family, detached residences. The petitioner is also seeking ADLS/DP approval for the over-all site. Cobblestone Commons will consist of 24 lots with an anticipated price range between \$325, to 380,000. The proposal provides for an appropriate transition from single family, detached homes to the south and east, and the Village Green and Traditions on the Monon townhome communities located to the west and north of the site.

The PUD Ordinance contains provisions relating to the architectural features and building material requirements for the homes. The standards included in the PUD Ordinance were modeled after the Old Town District Overlay standards, more specifically the standards for new construction in the character sub-area. This was done so that the homes within Cobblestone Commons would be compatible and consistent with both the Overlay requirements and with the existing homes that surround and are nearby the subject site.

The only point of public ingress/egress is adjacent to First Avenue NW. A garden common area has also been incorporated into the center of the site in a manner that runs north/south; the area will also include a sidewalk, benches, and landscaping to create a courtyard feel. A topiary garden has also been included on the western portion of the site, again with benches and landscaping, adjacent to the Monon Trail.

Justin Moffitt met with Scott Brewer and they walked the property. Scott Brewer reported that there are no outstanding landscaping issues. As a result of the last committee meeting, additional base building landscaping has been added along the side elevations of the homes. The petitioner has also been working closely with the Department of Engineering and Gary Duncan. Gary Duncan has advised that there are no outstanding issues with his Department at this stage of the approval process.

Home elevations were shown for the single family, detached, semi-custom homes. Due to the design of these homes and the anticipated price range, the Cobblestone community should have a positive impact on the property values of homes adjacent and nearby the site. The Department Report for this proposal states that the proposed home elevations meet the intent of the Old Town Overlay for this area in terms of use, design, and materials.

Justin Moffett, representing Uptown Partners addressed the Plan Commission. Justin stated that he and his wife live in this neighborhood, are building a new home and investing heavily in the neighborhood, knowing that it is going to be a part of the Renaissance of Old Town. Justin gave a brief history of the proposed development from purchasing the properties, meeting with the Department Staff, and working with design teams to determine the best use for the site. Density was not discussed as a concern by the staff, however they did encourage architectural design and meeting applicable requirements of the Old Town Overlay for the area.

Justin Moffett briefly explained how the Cobblestone proposal complies with the Overlay for new construction standards in almost every regard. The buildings are oriented as suggested in Section A, the setback requirements are met in Section B, the minimum lot width is the variance being sought. There are currently a number of lots in the neighborhood that have the same width as

Cobblestone Commons. The garages are designed as required in Section D, the base unit landscaping exceeds the minimum standards of the ordinance, and the overall site landscape plan has met the satisfaction of Scott Brewer. The parking requirements of the Ordinances have been varied by approximately five (5) spaces—instead of 24 spaces, 19 have been incorporated, but there is an option of a three-car garage on 20 units. There is ample parking on First Avenue NW, and the Department of Engineering has requested that the petitioner widen the road along the eastern boundary in order to improve the parking situation.

The Ordinance does allow vinyl; however the petitioner will forego. The petitioner is also utilizing windows that are architecturally relevant to the Old Town look. The roofs are designed as per Section I; Section J recommends covered porches but does not require them—every unit of Cobblestone has a covered porch of some sort. The building heights are within the minimum and maximum required per Section K, therefore the homes do not tower over the homes to the south. Some special features have been added such as a landscaped promenade, private patios, and the public garden area off the trail. The petitioner has also committed to resolving some drainage issues along 136th Street for the Dept. of Engineering.

Justin Moffett said he had knocked on neighbors' doors, sometimes three or four times. Some of the neighbors asked questions about the density, but overall seemed very pleased and impressed with the quality of the project and homes. Approximately 50 residents submitted support letters and at least 13 neighbors attended the public hearing in December and were in favor of the development. No one spoke against the development at public hearing. There were also neighbors in attendance at the Committee meetings.

The petitioner feels that this project is a welcome change from the townhome product and also fits the character of the Old Town Overlay.

There were some concerns brought up: Commissioner Haney referred to the lanes as being 20 feet wide—the lanes are wider than that with a 26-foot wide turning radius. Approximately one-third of the development is covered with grass, landscaping, or public sidewalk.

Rick Ripma referred to the Committee meetings and cited the biggest difference as being density. With the three-car garage, there is six feet between the homes.

Madeleine Torres also spoke about the density and felt that it was a huge issue. However, this particular density is appropriate for this area; the petitioner has done his homework.

Carol Schleif asked what the density is for the area between the Overlay and the underlying zoning.

Madeleine Torres commented that with the way the process is set up, this is not the time for going back/forth—that should have occurred at Committee. The petitioner has presented, has appeared at Committee, and they are now here for a vote.

Brian Mayor spoke as a member of the Subdivision Committee—this project fits the motif of the area and Brian echoed the sentiment that sitting from a Council seat, we look for the appropriateness of the project with the area. The nice thing is, this is not on the west side of

Carmel, this is downtown Carmel where we want density and the biggest bang for our buck because this is where we are putting the commerce and the redevelopment. There is absolutely no remonstrance in the room; however, there are people in attendance who cannot speak to this project this evening, and that speaks volumes. If this were on the west side, density would be an issue, but it is appropriate at this location. The colors are awesome! There will not be two models adjacent to one another within so many of another—there will not be a redundant look from any angle on any side. It is on the Monon, it is on Smokey Row, this is the right area, the right place.

Matt Griffin responded that the R-2 zoning density is 3.9. The Comprehensive Plan suggests and encourages medium to intense densities in the Old Town area.

Carol Schleif paraphrased comments that were submitted by Commission member Jay Dorman. Jay has two main concerns: One concern is density—50-foot lots should be maintained, the proposal averages 35; the proposal is a 27% variance. Another concern is parking—even with the 50% reduction that is allowed—24 spaces—the petitioner has only allowed for 19 spaces and only five are on site.

Carol Schleif, additional comments: “Since there are no basements, the people that will have extra materials—shop equipment, camping equipment, you name it—as soon as the garage goes up—the cars will be in the drive. Regarding variety: What you see in Old Town and what makes character, the variety and diversity in Old Town is what makes Old Town, Old Town. The real issue here is that the density is so tight that there is no wiggle room for a variety of that type. There are a lot of dormer changes, color variations, and some massing, but basically, there are 24 farm homes with no diversity in style--there are some changes in elevation, but the styles are all the same, the setback are the same, the house spacing is the same, this just doesn't fit in with old Towne. The other issue is that this is an overlay. We do not transition commercial properties inside an Overlay, that happens outside an Overlay. That is extra-important because the reason we have the Overlay has to do with the character of the area that someone wanted to maintain and I think they were right. There is also discussion of quality of construction on this project—as an architect, I can tell you that this is some of the lowest construction that I have seen in a while as far as quality goes. I would like to see the basements—slab on grade with wood frame—I would like to see better than that, I would like to see masonry, I would like to see varied materials. The only other thing I would say is that these are going to be three-bedroom units and there will be children here—I don't think you want your three-year-olds out on the Monon Trail.”

Wayne Haney commented that the area needs redevelopment—architecturally and color wise, there are no objections to the proposed project. The density is almost off the chart. If you pull in one garbage truck or one moving van, no one can exit the project. This is the only project I know where you cannot drive in front of a residence to find out where it is—you have to hunt through the maze. There is very little area where a child can play—they will probably play in the street. 12 units or so would have kept the Old Town character and made these areas very livable, but at the proposed density, there will be a lot of problems with livability.

Kevin Heber: Regarding density—we do want high density in the center of town in general, but I think this is an exception to that, since it is an historic neighborhood. There should be a rhythm to this area regarding the spacing of house, etc, and this is an exception or break-up of that rhythm.

This will look and feel and come off—very un-naturally. The three-car garage is another unnatural aberration in an area like this. I realize it is necessary, but it is inappropriate. There has been a lot of forethought and diligence on the petitioner’s part to get some consensus on the project and wish we would see that level of diligence more in this Commission.

Sally Shapiro said the Committee was appreciative of the thoroughness and detail of the petitioner and the neighborhood input. Sally said her issues are the same as stated previously—the density and the parking.

Leo Dierckman noted that it is highly irregular to find a project that has been supported from a neighborhood standpoint and is less supported by the Plan Commission. This is not the perfect project—the area does need redevelopment—this will probably encourage further re-development further south of this property if this is approved. There is a concern regarding the density. This is a unique project and it should be encouraged—it is going to be different, it will look interesting from the Monon and interesting when you enter the community. It will be a unique buyer—it is ultimately the decision of the buyer to accept or reject. This project is unique, it is a buffer between the townhomes and will look a lot more attractive from the Monon.

Jim Shinaver referred to previous comments made regarding the quality of the homes. Tom Traeger has experience in Carmel, he has built custom homes in Carmel, and he has worked for Paul Estridge Sr. If anyone knows what the expectations of quality are, it is Tom. Also, the three-car garage is shown as an option, not a requirement.

Brian Mayo referred to the comment regarding empty-nester which has a connotation of older persons. There is also a thriving trend to get the young, executive empty nesters who do not have any ambition of having children—what they want is to be near a thriving, downtown community that has growth on the horizon.

Brian Mayo made formal motion to forward **Docket No. 06110012 PUD/06110013 ADLS, Cobblestone Commons** to City Council with a favorable recommendation; seconded by Rick Ripma. The vote was 5 in favor, four opposed (Schleif, Haney, Heber, Westermeier) Note: 6 votes required.

Brian Mayo made formal motion to forward **Docket No. 06110012 PUD/06110013 ADLS, Cobblestone Commons** to City Council with **no recommendation**, seconded by Rick Ripma, **Approved** 9 in favor, none opposed.

J. New Business

1J. Docket No. 07020007 ADLS: Riverview Medical Park Building 2.

The applicant seeks architecture, design, landscaping, lighting, and signage approval to build one, one-story, 18,785-square foot medical office building on 3.07 acres, within the Riverview Medical Park project.

The site is located at 14555 Hazel Dell Parkway, and is zoned PUD.

Filed by Tim Hull for Plum Creek Partners.

Corby Thompson, Plum Creek Partners appeared before the Commission representing the applicant. Tim Hull was also in attendance.

The petitioner is seeking ADLS approval for the fifth and final building in the PUD known as Riverview Medical Park. The proposed building is interior to the site, east of the 5/3 Bank branch, south of the existing medical building and west of the Riverview two-building project.

The petitioner has worked with Scott Brewer, Urban Forester and addressed his concerns regarding species, and plantings in an easement. The elevations are consistent with the architecture of the other four buildings in an ADLS fashion within the current project.

At this time, the petitioner is requesting a favorable vote rather than forwarding for Committee review.

Matt Griffin reported that the Rules of Procedure would dictate that this be forwarded to Committee. If the Commission has any concerns or would like to make comments, those are welcome now. The Department has nothing outstanding—the petitioner has built the project in accordance with the plan and has met the requirements of the Urban Forester, Engineering and DOCS. The Department would recommend consideration for approval after the suspension of the Rules.

John Molitor noted that this is not a public hearing item and the Commission has jurisdiction to take action this evening by a majority vote (6).

Rick Ripma commented that the proposed building meets the last buildings that came through—it all matches and we should move forward.

Carol Schleif made formal motion to approve **Docket No. 07020007 Riverview Medical Park Building 2**, seconded by Sue Westermeier, Approved 9-0.

There was no further business to come before the Commission and the meeting adjourned at 8:25 PM.

Leo Dierckman, President

Ramona Hancock, Secretary